

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE**

DENNIS L. SMITH

Plaintiff,

v.

Frankford Township, & Terminated
{former - notorious}, Chief of Police
Guy D. Baynard et. Al,

Defendant(s)

Case No. **98 - 00639 - JJF**

Federal Question(s)

See; 28 U.S.C.A. § 144. § 1343.

"Arbitrary & Capricious"

"Abuse of Authority- Despotie

**Malfeasance, Color of Authority,
multiple Wrongful - "Ungodly"**

Manifest, - Repeated still)

continuing Violation(s); of J.J.F.

**"Emergency Imperative"
"Substantive"
Motion, to immediately "Vacate"**

Motion, to immediately "Vacate"and/or totally divest , all official incumbent
viable judicial - power(s), of the current super - super de facto; proven , - known
biased / prejudiced Hon. Vel non Questionable Federal - judge; Joseph J. Farnan
Jr., These Legal - document(s) in sequence are solely, to at all deliberate
constitutional, - {"Speed"}, to immediately, - "VACATE / Rid of the Notorious /
Despotie Hon. Vel non Joseph J. Farnan Jr., As, a matter, Of "Law,,

This "Emergency" - Imperative motion, {shall} be Constitutionally Honorably -

Original

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 SEP 21 PM 4:38

"Granted," in the lawful interest of Justice, & the "American - way," As a Matter of Law,. And Hereby {shall} be, "Granted" also due to the following substantiating truthful fact(s) and preponderance(s) of evidence, plus inference(s) of Exact - Evidential Substantiative, factual - fact(s) , of "Unconstitutional " - "Prohibited" / "Proscribed, " - Unquestionable wrongful - wanton, "Biased," / "Prejudiced" behavior, of a de facto justice / judge of these Democracy based United States of America Hon. Vel non Joseph J. Farnan Jr.,

{A}. De facto; Gravamen Hon. Joseph J. Farnan, who will be written, thenceforth as; Hon. JJF; He has sadly, but unquestionably, - indubitably wrongfully, but intentionally, repeatedly, violated; libertie(s) that I, at birth did legally ascertain,. As a matter, of law,. As in my inalienable, - systematic, - automatic, - Rudimentary, - fundamental, - Elemental, most basic Honorable - "Liberty, to legally enjoy, the "ENFORCEMENT, of the Honorable; "EQUAL: - "PROTECTION - { CLAUSE },. In, which, / which, **I, am standing on,** To, "Constitutionally, legally - { RID }, of the possibly, Bought - "OFF, vel non UNITED STATES judgeship, as in GRAVAMEN - { SAME },. { Sic }, I, hereby, legally summon, to at all "DELIBERATE "SPEED, " RID, of the notorious, Hon. JJF,. As as "Matter, of "EQUAL "PROTECTION, under the law{s},. **See; 28 U.S.C.A. § 144.**

{B}. **28 U.S.C.A. § 144.** In, which, / which exactly - exactly, notoriously,

but legally, easily specifically - { "APPLIES" }, In which is totally inconsistent, in my lawful, Full, inalienable,

{C}. Judge Farnan's very questionable "impartiality" was heretofore previously in questioned in my **filed July 19, 2007 motion 28 U.S.C.A. § 455(b)(1)**. This truth is enclosed in this motion , of Judge Farnan's "impartiality" ,. It, is so, so Very, - very sad that, this active "FEDERAL – JUSTICE, intentionally / But despotically, thought that he had slithered, stealthy around, his Illegal, - "Biased mess,. By, way of intentionally reviewing, the definition Of; **28 U.S.C.A. § 455**. As, basically giving his person, the **option**, toLegally, as a matter, of law,. **"STEP, "ASIDE,..**

{D}. **KEY TRUTH ISSUE** --- The Court / Judge Farnan is **INVOLVED** in the **FOUNDATION** of Plaintiff's settlement negotiations concerning the **November 15, 1996 False Arrest** and the **December 14, 1996 False Arrest**. See attached----- **Exhibit AAA**

{E}. Officer of the Court Attorney, **Mr. Bruce C. Herron** is a witness to **"Exhibit A** and **B** of My **filed** July 19, 2007 motion. Therefore Judge Farnan has Knowledge, and the one who **allowed, only the TWO (2)** false arrest claims, concerning the foundation of the settlement negotiation, but Judge Farnan **contradicts** himself in his own **CLARIFICATION** court order dated **July 5, 2007**, by **not**

including the mentioned above **November 15, 1996** False Arrest

See attached ----- **Exhibit AAA**, and it's **Exhibit D**

3

{F}. TRICK and/or PLOT --- It is such an OBLOQUY , that de facto /
despotic Judge Farnan has a personal bias and/or bias and/or prejudice
against my person and which is patently violative , and of express
constitutional Prohibitions, and as a Matter of Law,. My inalienable U.S.
Constitutional 14th Amendment Privilege of, **due process must be**
Upheld for equal justice under the law,.

Please Note: Also a Manifest Injustice will be a viable issue,. If in fact the
Veteran , distinguished Illustrious / Eminent Attorney at Law Mr. Bruce C. Herron
systemically remotely denies his scienter of **Exhibits A and B** from July 19th
2007,. That were docketed in this court, under the Law.

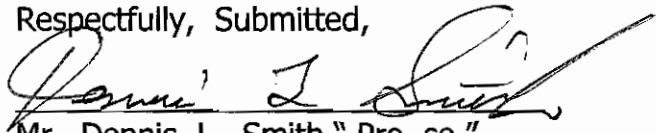
Please Take Notice:

The following will be legally formally officially summoned, as a matter of
Equal Justice, under the law; if any { Vexatious – delay(s) } ensue in this
ridiculous, despotic – color of office / abuse of authority on the record
matter will be legally summoned.

1. The United States Public Integrity section; in our Nation(s) Capital
 2. The office of the Inspector General also in our Nation(s) Capital.
- Phone direct line --- (202) 616 – 4760.

If this **Emergency – " Motion, to immediately Vacate"** is not granted, it will be a **manifest injustice** and it would seem that this court CONDONES **Racial** and **Hateful** wrongdoings.

Respectfully, Submitted,

A handwritten signature in cursive script, appearing to read "Dennis L. Smith", written over a horizontal line.

Mr. Dennis L. Smith " Pro se "

P.O. Box 311

Selbyville, Delaware 19975 - 0311

Date September 21 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE**

DENNIS L. SMITH

Plaintiff,

v.

Frankford Township, & Terminated
{former - notorious}, Chief of Police
Guy D. Baynard et. Al,

Defendant(s)

Case No. **98 - 00639 - JJF**

Federal Question(s)

See; 28 U.S.C.A. § 144. § 1343.

"Arbitrary & Capricious"

"Abuse of Authority- Despotism

**Malfeasance, Color of Authority,
multiple Wrongful - "Ungodly"**

Manifest, - Repeated still)

continuing Violation(s); of J.J.F.

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

This legal affidavit is in, full compliance / compliance(s) herewith / Hereunder;

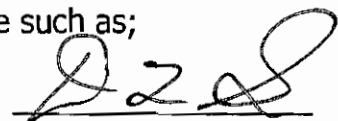
28 U.S.C.A. § 1746. § 1331. Concerning "**Motion to immediately**

Vacate" Gravamen de facto / Hon. JJF.

Re; 28 U.S.C.A. § 144. This legal Affidavit, is in total , - Good faith; And is in

fact, far overdue solely / mainly due to the multiple, wrongful intentional –

unconstitutional due process infraction(s) of liberty & justice such as;



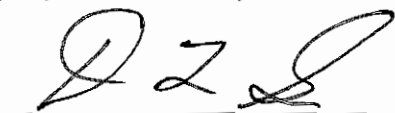
(01). Bias, and (prejudice) of the de facto Hon. JJF of this Notorious, District of Delaware,.

(02). Yes in my heart of heart(s), I do personally feel,. That Hon. JJF is against my person,. In Civil Action 98 - 639 JJF in which is totally inconsistent, with the mandated Rudimentary fundamental(s) with my inalienable due process privilege,. To be treated fair,. See; **28 U.S.C.A. § 453**,.

There is absolutely "No", doubt in my mind ,. And of his still continuing breach(s) previously forwarded exact evidence exhibit(s) easily proven his unconstitutional "bias",. In which was only "covered - up",. By way of your(s) truly JJF. De facto judge that must go,. As a "Matter of Law",. Please Take Notice; The Honorable Rational basis test. Statue **28 U.S.C.A. § 144**.

Hon. Joseph J. Farnan Jr. has unequivocally breached the very sacred oath that put him on the bench. That he swore to completely - automatically uphold.

28 U.S.C.A. § 144. does compel the service(s) of the Hon. JJF shall proceed "No" further therein,. I want this immediately legally enforced as a Matter of Law Also; He Hon. JJF is involved in **covering - up a illicit November 15, 1996 false Arrest incident**, That he clearly has had excess to review a VHS video tape and/or cassette audio tape and/or **Exhibits A** and **B** in my filed July 19, 2007 motion per se involving beyond prima facie preponderance(s) of



factual very relevant pertinent evidence, that your(s) truly has committed.

42 U.S.C.A. § 1985(3). Fact,.....

September 24, 2007
Date

Dennis L. Smith
Dennis L. Smith

CERTIFICATE OF SERVICE

I hereby certify that two true copies of the **MOTION to immediately Vacate** have been certified mailed or hand delivered on this 21 day of September 2007, to defendants' counsel and the following addresses:

Judge Joseph J. Farnan, Jr.
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801 -3570
Hand Delivered

The Honorable Robert Daisey, Mayor
of the Town of Frankford
P.O. Box 550
#5 Main Street
Frankford, Delaware 19945
Certified Mail
7002 2410 0001 0232 9843

Mr. Bruce C. Herron esq.,
1220 North Market Street # 300
P.O. Box 25047
Wilmington, Del., 19899 - 5047
Hand Delivered

Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120
Certified Mail
7005 3110 0003 8874 4214

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.

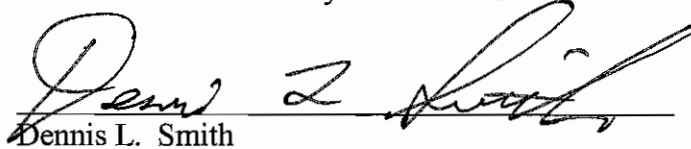

Dennis L. Smith

Exhibit AAA

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE**

DENNIS SMITH
PLAINTIFF

V.

EX - POLICE CHIEF GUY D. BAYNARD,
INDIVIDUALLY AS AGENT OF
FRANKFORD TOWNSHIP

AND

FRANKFORD POLICE DEPARTMENT

AND

JESSE TRUITT, INDIVIDUALLY AND AS
COUNCILMAN AND POLICE
COMMISSIONER, AND AGENT FOR
FRANKFORD TOWNSHIP

AND

ALBERT OLIVER, INDIVIDUALLY AND
AS COUNCILMAN, AND AGENT FOR
FRANKFORD TOWNSHIP

AND

STEVEN C. BROUGHT, INDIVIDUALLY AND
AS FORMER COUNCILMAN PRESIDENT,
AND AS AGENT FOR FRANKFORD
TOWNSHIP

AND

KENNETH LYNCH, INDIVIDUALLY
AND COUNCILMAN AND AS AGENT FOR
FRANKFORD TOWNSHIP

AND

THOMAS W. ESENDER, INDIVIDUALLY
AND AS FORMER COUNCILMAN
PRESIDENT, AND AS AGENT FOR
FRANKFORD TOWNSHIP

AND

THEODORE ELSE, INDIVIDUALLY AND
AS COUNCILMAN, AND AS AGENT FOR
FRANKFORD TOWNSHIP

Case No. **98 - 00639 JJF**

"Federal Question(s)"
Illegally - Delayed

28 U.S.C.A. § 1331.

Lucy D'Amico
received 2 copies
of same w/ 1
cassette tape

7/19/07

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 JUL 19 PM 3:29

DEFENDANTS

)
)

Re: 28 U.S.C.A. § 455(b)(1).

“Motion”

To at all deliberate “Speed;”

“Disqualify”

The current / incumbent **42 U.S.C.A. § 1985(3).**

Biased / Prejudiced de facto presiding Judge;

The Hon. Joseph J. Farnan Jr., solely in the interest of “Justice”,.

I, the injured involuntarily, unconstitutionally, - **{teamed - up - against}** victim of ungodly invidious discrimination(s) “plaintiff;” Mr. Dennis L. Smith,. Due hereby truly feel in good faith that this, {over - due imperative} manifest relevant / pertinent **SUBSTANTIVE** “**Motion to disqualify** Judge shall; {ISSUE} due to;

{01}. The incumbent presiding justice’(s), full vehement “knowledge;” that this {Civil – Case}, has been “Pendente lite;” since; Nov. 16th, 1998, as a Matter of Law,.

{02}. The de facto , unethical, immoral, - “Despotic” current judge; Hon. Farnan, has totally evaded, the very fabric of the mandate(s) of Art. III . Section 2. Of, our Honorable; UNITED STATES CONSTITUTION, as well as **28 U.S.C.A. § 453.**

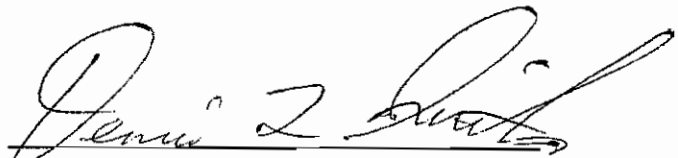
{03}. The constitutional expeditious administration of Justice , “DENIED”,. and therefore ground(s) too,. To disqualify (same) Civil – Case pending since November 16, 1998 {Sic}.

{04}. The autoptic factual obloquy of tangible fact(s), that this case in total mutual fairness, must end,. A.S.A.P. As a matter of “EQUAL JUSTICE,” Under the Law, and

is also substantiated {via} the following Prima facie **exhibits conspiracy sequence**; See and hear attached recorded tape **Exhibit A** for Detrimental Reliance issues, See attached **Exhibit B** for conspiracy plan, See attached **Exhibit C** of Attorney Bruce C. Herron's follow-up letter dated February 28, 2007 which is after this February 22, 2007 tape recording and see attached **Exhibit D** clarification order, which covered-up the **November 15, 1996** Prima facie false arrest.

DECEIVING A PRO SE

Respectfully, Submitted,



Mr. Dennis L. Smith "Pro se"
P.O. Box 311
Selbyville, Delaware 19975 - 0311

Date July 19, 2007

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
DELAWARE**

DENNIS L. SMITH

Plaintiff,

vs.

EX - POLICE CHIEF GUY D.
BAYNARD, INDIVIDUALLY AND AS
AGENT OF FRANKFORD TOWNSHIP,
et al.,

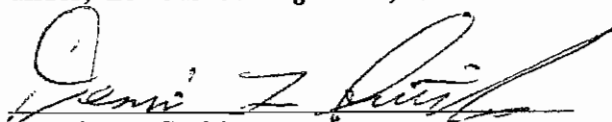
Defendants

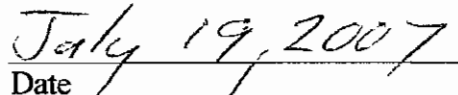
C.A. No. 98 - 00639 JJF

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

The, preceding - indelible truthful - statement(s) in the "28 U.S.C.A. §
455(b)(1). Motion" are true to the best of my knowledge and belief(s); of; Dennis
L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here -
under; 28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.


Dennis L. Smith


Date

CERTIFICATE OF SERVICE

I hereby certify that two true copies of the "**28 U.S.C.A. § 455(b)(1). Motion**" have been certified mailed or hand delivered on this 19 day of July 19, 2007, to defendants' counsel and the following addresses:

Judge Joseph J. Farnan, Jr.
Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801 -3570
Hand Delivered

The Honorable Robert Daisey, Mayor
of the Town of Frankford
P.O. Box 550
#5 Main Street
Frankford, Delaware 19945
Certified Mail
7002 0460 0001 5101 7877

Mr. Bruce C. Herron esq.,
1220 North Market Street # 300
P.O. Box 25047
Wilmington, Del., 19899 - 5047
Hand Delivered

Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120
Certified Mail
7002 0460 0001 5101 7884

Notice: Exhibit A, Tape Recording only to this Court and Attorney
Bruce C. Herron one copy.

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.



Dennis L. Smith

Exhibit
A

See Attached

Exhibit A ↓

TAPE Recording

Exhibit B

EXHIBIT B

**Key understanding: ONLY – about what the Judge done / stated, but now
CONTRADICTS him self**

I (Mr. Dennis L. Smith) do hereby acknowledge **to the court**, and the tortfeasor
adversarie(s) that I had a **DETRIMENTAL RELIANCE TO THE FOLLOWING**
The True fact(s)

On a tape recording dated February 22, 2007, hear the **AGREEMENT** concerning civil
case No. 98 – 639 JJF, **TWO (2) FALSE ARREST** below:

On this tape mentioned above, Attorney Bruce C. Herron **as** an officer of the United
States **Federal** District Court of Wilmington, Delaware confirmed the following:

1. (Attorney Bruce C. Herron) confirmed, and I quote, "... but what **Judge Farnan
has done**, he dismissed all claims except for two (2); except for the two (2) relating
to the arrest by Chief Baynard, so that's **really**, those are the only issues that are
out there." (Mr. Dennis L. Smith) agreed - "YES" (Attorney Bruce C. Herron)
confirmed, and I quote, "The **first one**, was the, ah the one in **November**, where
you **called about parking**" (Mr. Dennis L. Smith) agreed - "YES"
2. (Attorney Bruce C. Herron) confirmed, "There are two (2) claims here, two (2)
false arrest..." —————Note: Hear this tape details on attached **Exhibit A,**
cassette tape

Attorney Bruce C. Herron as a witness and a officer of the Unites States Federal court,
who confirmed that **Judge Joseph J. Farnan Jr.** and I, (Mr. Dennis L. Smith), all
are in the same agreement as to, two (2) false arrest only remaining in this case, which
are the **November 15, 1996** and the **December 14, 1996** arrest.

At the June 12, 2007 settlement meeting Attorney Bruce C. Herron stated for the first
time, that he believe(s) and I quote; that I (Mr. Dennis L. Smith) was falsely arrested
on **November 15, 1996** or **we would not be setting here in this meeting.**

This **November 15, 1996** false arrest has been a **Prima Facie Case** since 1998 through
to this date. ————— (Evidence see video tape E20)

Vs

Page 2

Proscribed, Vexatious CONSPIRACY PLAN - 42 U.S.C.A. § 1985(3).

Based on officer / witness of the court, Attorney Bruce C. Herron's recorded statements as mentioned above, therefore Judge Joseph J. Farnan Jr's **Clarification order** (D.I. 140) dated July 5, 2007 is **deceitful** by covering-up and not pointing out the November 15, 1996 false arrest as Attorney Bruce C. Herron and I (Mr. Dennis L. Smith) AGREED on February 22, 2007, before this July 5, 2007 order. In this Clarification order, see this quote from this Judge's order, and I quote, "WHEREAS, the court understands that its February 9, 2004, order (D.I. 88) granted the Defendants' Motion For Summary Judgment (D.I. 57) as to all of Plaintiff's claims except for Plaintiff's false arrest claim made pursuant to 42 U. S. C. § 1983 against Defendant Baynard relating to the incidents of December 14, 1996;...."

Judge Joseph J. Farnan Jr., and Attorney Bruce C. Herron had my E20 Video Tape and ex-police Chief Guy D. Baynard's November 15, 1996 Affidavit of Probable Cause - Exhibit A and B, with other Evidences for many years. Judge Joseph J. Farnan Jr., illegally allowed this case to be pending for approximately eight (8) years and illegally allowed a **Prima Facie November 15, 1996** false arrest, done by the Town of Frankford's ex-police Chief Guy D. Baynard to be covered-up and all **RESPONSIBLE** individuals that **HIRED** ex-police Chief Guy D. Baynard for a **FEE**, to go FREE of their Actionable Negligence.

All Lawyers and Judges must, Upholding the Constitution of the United States and must not unconstitutionally trick and/or deceive and/or partake of illegal act and/or acts against a Citizen Constitutional Right(s). More may be involved in this "conspiracy plan" which may have stated in 1994.

Clearly this **unfair "clarification order"** is design to help Attorney Bruce C. Herron, the Town of Frankford's government and ex - Police Chief Guy D. Baynard.
----- Conspiracy against Rights 18 U.S.C.A. § 241

Dennis L. Smith July 19, 2007

Exhibit C

Exh 1617

C

AKIN & HERRON, P.A.

ATTORNEYS AT LAW

ROGER A. AKIN

BRUCE C. HERRON

1500 SHALLCROSS AVENUE

SUITE 1-A

WILMINGTON, DELAWARE 19806

(302) 655-5552

(302) 655-3697 FAX

Writer's Direct Dial
(302) 427-6987

www.rabhlaw.com

E-Mail
bch@rabhlaw.com

February 28, 2007

VIA ELECTRONIC FILING

Honorable Joseph J. Farnan, Jr.
United States District Court
844 N. King Street, 4th floor
Wilmington, DE 19801

RE: Dennis L. Smith v. Ex-Police Chief Guy D. Baynard
C.A. No. 98-639-JJF

Dear Judge Farnan:

This is Defendant's Status Report as requested by the Court's letter of February 20, 2007.

I met with Mr. Smith last week to discuss possible settlement, as well as the option of private mediation. My clients are willing to consider private mediation. I believe the input of a neutral party would be helpful. I have forwarded my clients' written settlement proposal to Mr. Smith.

Based on the Court's Order of February 9, 2004 (D.I. 88) the only remaining defendant is Ex-Police Chief Baynard and plaintiff's only remaining claims are for false arrest. If we are unable to resolve the case in the next few weeks it is unlikely the case can be settled. Defendant therefore requests that the Court set a trial date with respect to the remaining claims.

Respectfully submitted,
/s/ Bruce C. Herron
Bruce C. Herron
Attorney for Defendant

BCH:tad

cc: U.S. District Court Clerk (via first class mail)
Mr. Dennis Smith (via first class mail)

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Exhibit D

Exhibit
D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DENNIS L. SMITH, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 98-639-JJF
 :
 GUY D. BAYNARD, ET AL., :
 :
 Defendants. :

ORDER

WHEREAS, on May 16, 2007, Defendant Guy D. Baynard filed a Motion For Clarification Of The Court's February 9, 2004 Order, requesting that the Court clarify its Order and dismiss all claims except the false arrest claim against Defendant Baynard (D.I. 133);

WHEREAS, the Court understands that its February 9, 2004, Order (D.I. 88) granted the Defendants' Motion For Summary Judgment (D.I. 57) as to all of Plaintiff's claims except for Plaintiff's false arrest claim made pursuant to 42 U.S.C. § 1983 against Defendant Baynard relating to the incidents of December 14, 1996;

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant Baynard's Motion For Clarification (D.I. 133) is GRANTED; a final judgment order as to the terminated Defendants and claims will be issued.

July 5, 2007


UNITED STATES DISTRICT JUDGE